

SENATE BILL No. 959

February 5, 2004, Introduced by Senators McMANUS, CROPSEY, BIRKHOLZ, KUIPERS, ALLEN, HARDIMAN, GOSCHKA, GARCIA, BISHOP and VAN WOERKOM and referred to the Committee on Judiciary.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16901, 16903, and 16905 (MCL 333.16901, 333.16903, and 333.16905), as added by 1995 PA 126.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16901. (1) As used in this part:

2 (a) "Advertise" means issuing or ordering the printing or
3 distribution of a card, sign, or device or causing, permitting,
4 or allowing a sign or marking on or in a building or structure,
5 or placing material in a newspaper, magazine, or directory, or on
6 radio or television. **Advertise does not include unpaid public
7 awareness campaigns or educational or promotional materials by
8 individuals exempted from this part by section 16905.**

9 (b) "Marriage and family therapist" means an individual
10 licensed under this article to engage in the practice of marriage

1 and family therapy.

2 (c) "Practice of marriage and family therapy" means the
3 providing of guidance, testing, discussions, therapy,
4 instruction, or advice that is intended to avoid, eliminate,
5 relieve, manage, or resolve marital or family conflict or
6 discord, to create, improve, or restore marital or family
7 harmony, or to prepare couples for marriage. Practice of
8 marriage and family therapy does not include the administration
9 and interpretation of psychological tests except for those tests
10 that are consistent with the individual's education and training
11 and with the code of ethics for licensed marriage and family
12 therapists.

13 (2) In addition to the definitions of this part, article 1
14 contains general definitions and principles of construction
15 applicable to all articles in this code and part 161 contains
16 definitions applicable to this part.

17 Sec. 16903. (1) An individual licensed under this part as a
18 marriage and family therapist shall use only the title "licensed
19 marriage and family therapist" or "licensed marriage counselor"
20 or the abbreviation "l.m.f.t." in representing his or her
21 services in the practice of marriage and family therapy to the
22 public.

23 (2) Unless exempt under section ~~16905(3)~~ **16905(4)**, only an
24 individual licensed under this part may advertise that he or she
25 offers marriage and family therapy; marriage or family counseling
26 service or advice; marriage or family guidance service or advice;
27 marriage or family relations service or advice; marriage or

1 family problems service or advice; marriage or family relations
2 advice or assistance; service in the alleviation of a marital or
3 family problem; or service of similar import or effect that is
4 included in the practice of marriage and family therapy. **This**
5 **part does not prohibit an individual exempted by section 16905**
6 **from issuing unpaid public awareness campaigns or educational or**
7 **promotional materials.**

8 (3) The board may grant a limited license to an individual
9 who has met the requirements of section 16909(a) and (b) in order
10 to permit that individual to obtain the experience required under
11 section 16909(c). The board shall not renew a limited license
12 for more than 6 years. A limited licensee shall do all of the
13 following:

14 (a) Use only the title "limited licensed marriage and family
15 therapist" or "limited licensed marriage counselor".

16 (b) Not represent that he or she is engaged in the
17 independent practice of marriage and family therapy.

18 (c) Practice only under the supervision of a fully licensed
19 marriage and family therapist.

20 (d) Confine his or her practice to an organized health care
21 setting or other arrangement approved by the board.

22 (4) An individual engaged in obtaining experience required
23 under section 16909(b) may use the title "marriage and family
24 therapist intern" or "marriage and family therapist trainee"
25 during the training period. The board shall not require an
26 individual obtaining experience required under section 16909(b)
27 to hold a limited license.

1 Sec. 16905. (1) This part does not apply to an individual
2 engaged in social work as defined in section ~~1601 of the~~
3 ~~occupational code, Act No. 299 of the Public Acts of 1980, being~~
4 ~~section 339.1601 of the Michigan Compiled Laws 18501~~, in the
5 course of employment with a governmental agency or a reputable
6 social service agency regularly providing social work services as
7 an agency.

8 (2) This part does not apply to **a service provider who is** an
9 ordained cleric or other religious practitioner who is employed
10 by or working under the authority of an organization exempt from
11 taxation under section 501(c)(3) of the internal revenue code of
12 1986, ~~26 U.S.C. 501, if the advice or counsel given by the~~
13 ~~cleric or other religious practitioner is incidental to his or~~
14 ~~her duties as a cleric or other religious practitioner, and~~ if
15 the cleric or other religious practitioner does not hold himself
16 or herself out to the public as a marriage and family therapist
17 licensed under this article or use 1 or more of the titles listed
18 in section ~~16263(1)(p)~~ **16263(1)(q)** and if no fee or donation is
19 exacted for the service. **This part does not prohibit a service**
20 **provider from offering a recommended voluntary fee schedule based**
21 **on an individual's ability to pay, including participation by**
22 **indigent individuals for no fee. A voluntary contribution may be**
23 **made directly to the service provider or to the 501(c)(3)**
24 **organization that employs the service provider or under whose**
25 **authority the service provider is working.**

26 (3) This part does not apply to an ordained cleric or other
27 religious practitioner who has been authorized by law to

1 officiate at a marriage if that person has done all of the
2 following:

3 (a) Officiated at a marriage at least once each year for not
4 less than 5 years.

5 (b) Provided at least 100 hours of clerical marriage or
6 family counseling each year for not less than 5 years.

7 (c) Provide, in writing, an affidavit clearly stating that
8 the provider is a member of the clergy or a religious
9 practitioner, is not a marriage and family therapist licensed
10 under this article, and does not use 1 or more of the titles
11 listed in section 16263(1)(q), and that the counseling is based
12 on the religious beliefs, creeds, or doctrines of the provider.

13 (4) ~~-(3)-~~ This part does not apply to a physician licensed
14 under this article who has completed an accredited psychiatric
15 residency program approved by the Michigan board of medicine or
16 to a psychologist fully licensed under this article, if both of
17 the following circumstances exist:

18 (a) The individual is practicing his or her profession in a
19 manner consistent with his or her education and training and is
20 practicing in a manner consistent with the code of ethics of that
21 profession.

22 (b) The individual does not hold himself or herself out to
23 the public as a marriage and family therapist licensed under this
24 article or use any of the titles listed in section ~~16263(1)(p)~~
25 16263(1)(q) for advertising purposes. However, this subdivision
26 does not prohibit the individual from advertising under a
27 telephone or other business directory listing that uses those

1 titles if the individual discloses in the listing, in an
2 unabbreviated fashion, the profession in which he or she is
3 licensed.

4 (5) ~~(4)~~ This part does not limit an individual in, or
5 prevent an individual from, the practice of a statutorily
6 regulated profession or occupation if services to families,
7 couples, or subsystems of families are part of the services
8 provided by that profession or occupation, and if the individual
9 does not hold himself or herself out to the public as a marriage
10 and family therapist licensed under this article or use 1 or more
11 of the titles listed in section ~~16263(1)(p)~~ **16263(1)(q)**. As
12 used in this subsection, "statutorily regulated profession or
13 occupation" means an occupation or profession regulated by
14 statute that includes, but is not limited to, all of the
15 following: a physician, attorney, social worker, certified
16 social worker, social work technician, fully licensed
17 psychologist, limited licensed psychologist, temporary limited
18 licensed psychologist, licensed professional counselor, limited
19 licensed counselor, or school counselor.